

**ONE HUNDRED AND SEVENTEENTH
LEGISLATIVE DAY
FRIDAY, MAY 2, 2003**

House of Representatives

The House convened at 10 a.m., the Speaker in the Chair.

Roll call showed 68 members present.

Absent and excused -- Clark, Denney. Total -- 2.

Total -- 70.

Prayer was offered by Chaplain Jim Hardenbrook.

The Pledge of Allegiance was led by Jonathan Sater, Page.

Approval of Journal

May 2, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the One Hundred and Seventeenth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

May 1, 2003

Mr. Speaker:

I return herewith enrolled **H 453** and **H 383**, as amended in the Senate, which have been signed by the President.

WOOD, Secretary

Enrolled **H 453** and **H 383**, as amended in the Senate, were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

Mrs. Ellsworth asked unanimous consent that the House concur in the Senate amendments to **H 264**, as amended in the Senate, as amended in the Senate. There being no objection, it was so ordered.

H 264, as amended in the Senate, as amended in the Senate, was ordered held at the desk.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of **H 264**, as amended in the Senate, as amended in the Senate, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho,

requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **H 264**, as amended in the Senate, as amended in the Senate, be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Andersen(Guyon), Barraclough(Schanz), Bauer, Bedke, Bell, Bieter, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Collins, Crow, Cuddy, Deal, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez(Echohawk), McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd(Buell), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- Barrett. Total -- 1.

Absent and excused -- Clark, Denney. Total -- 2.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **H 264**, as amended in the Senate, as amended in the Senate, was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Ellsworth to open debate.

Mr. Harwood asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of **H 264**, as amended in the Senate, as amended in the Senate. There being no objection, it was so ordered.

Mr. Roberts asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of **H 264**. There being no objection, it was so ordered.

Mr. Schanz asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of **H 264**. There being no objection, it was so ordered.

Mr. Kulczyk asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of **H 264**. There being no objection, it was so ordered.

The question being, "Shall **H 264**, as amended in the Senate, as amended in the Senate, pass?"

Roll call resulted as follows:

AYES -- Andersen(Guyon), Bauer, Bedke, Bell, Bieter, Black, Block, Boe, Cuddy, Deal, Denney, Douglas, Edmunson,

Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Henbest, Jaquet, Jones, Kellogg, Langhorst, Martinez(Echohawk), Miller, Mitchell, Naccarato, Ridinger, Ring, Ringo, Robison, Rydalch, Sayler, Shepherd(Buell), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Trail, Wills, Mr. Speaker. Total -- 44.

NAYS -- Barraclough(Schanz), Barrett, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Eberle, Harwood, Kulczyk, Lake, Langford, McGeachin, McKague, Meyer, Moyle, Nielsen, Raybould, Roberts, Sali, Schaefer, Stevenson, Tilman, Wood. Total -- 26.

Paired Vote:

AYE -- Denney. NAY -- Clark.
(Pair enumerated in roll call above.)
Total -- 70.

Whereupon the Speaker declared **H 264**, as amended in the Senate, as amended in the Senate, passed the House. Title was approved and the bill was referred to Judiciary, Rules, and Administration Committee for engrossing and enrolling.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of **S 1192** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **S 1192** be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Andersen(Guyon), Barraclough(Schanz), Bauer, Bedke, Bell, Bieter, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Collins, Crow, Cuddy, Deal, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez(Echohawk), McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd(Buell), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- Barrett. Total -- 1.

Absent and excused -- Clark, Denney. Total -- 2.
Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **S 1192** was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bedke to open debate.

The question being, "Shall **S 1192** pass?"

Roll call resulted as follows:

AYES -- Andersen(Guyon), Barraclough(Schanz), Bauer, Bedke, Bell, Bieter, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Collins, Crow, Cuddy, Deal, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Lake, Langford, Langhorst, Martinez(Echohawk), McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sayler, Schaefer, Shepherd(Buell), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Mr. Speaker. Total -- 64.

NAYS -- Barrett, Kulczyk, Sali, Wood. Total -- 4.

Absent and excused -- Clark, Denney. Total -- 2.
Total -- 70.

Whereupon the Speaker declared **S 1192** passed the House. Title was approved and the bill was ordered returned to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of **H 464** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **H 464** be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Andersen(Guyon), Barraclough(Schanz), Bauer, Bedke, Bell, Bieter, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Collins, Crow, Cuddy, Deal, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez(Echohawk), McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd(Buell), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- Barrett. Total -- 1.

Absent and excused -- Clark, Denney. Total -- 2.
Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **H 464** was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open

debate.

The question being, "Shall **H 464** pass?"

Roll call resulted as follows:

AYES -- Andersen(Guyon), Barraclough(Schanz), Barrett, Bauer, Bedke, Bell, Bieter, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Collins, Crow, Cuddy, Deal, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez(Echohawk), McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd(Buell), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Wood, Mr. Speaker.

Total -- 68.

NAYS -- None.

Absent and excused -- Clark, Denney. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **H 464** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

There being no objection, the House returned to the Fifth Order of Business.

Report of Standing Committees

May 2, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed and enrolled **H 264**, as amended in the Senate, as amended in the Senate.

FIELD(18), Chairman

The Speaker announced he was about to sign enrolled **H 264**, as amended in the Senate, as amended in the Senate, and, when so signed, ordered it transmitted to the Senate for the signature of the President.

May 2, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 454** to the Governor at 11:30 a.m., as of this date, May 1, 2003.

FIELD(18), Chairman

May 2, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 428, H 461, H 457, H 459, H 460, and H 462** to the Governor at 8:10 a.m., as of this date, May 2, 2003.

FIELD(18), Chairman

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

H 465 and **H 466**, by Appropriations Committee, were read the second time by title and filed for third reading.

Mr. Moyle moved that the House recess until 3:30 p.m. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House at recess until 3:30 p.m.

RECESS

Afternoon Session

The House reconvened at 3:30 p.m., the Speaker in the Chair.

Roll call showed 67 members present.

Absent and excused -- Clark, Denney, Shepherd(Buell). Total -- 3.

Total -- 70.

Prior to recess, the House was at the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

There being no objection, the House returned to the Fourth Order of Business.

Consideration of Messages from the Governor and the Senate

May 2, 2003

Mr. Speaker:

I transmit herewith enrolled **S 1194, S 1195, S 1199, S 1200, and S 1201** for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled **S 1194, S 1195, S 1199, S 1200, and S 1201** and, when so signed, ordered them returned to the Senate.

Report of Standing Committees

May 2, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 453 and H 383**, as amended in the Senate, to the Governor at 11:10 a.m., as of this date, May 2, 2003.

FIELD(18), Chairman

There being no objection, the House returned to the Fourth Order of Business.

**Consideration of Messages from the
Governor and the Senate**

May 2, 2003

Mr. Speaker:

I transmit herewith enrolled **S 1192** for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled **S 1192** and, when so signed, ordered it returned to the Senate.

May 2, 2003

Mr. Speaker:

I return herewith enrolled **H 264**, as amended in the Senate, as amended in the Senate, which has been signed by the President.

WOOD, Secretary

Enrolled **H 264**, as amended in the Senate, as amended in the Senate, was referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

**HOUSE CONCURRENT RESOLUTION NO. 33
BY APPROPRIATIONS COMMITTEE**

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE REGARDING THE UNCERTAIN ECONOMIC OUTLOOK AND BUDGET IMPLICATIONS FOR THE STATE OF IDAHO FOR FISCAL YEAR 2004 AND DIRECTING THE BOARD OF EXAMINERS TO MAKE CERTAIN ADJUSTMENTS SHOULD A BUDGET SHORTFALL DEVELOP AND TO PROVIDE FOR STATE AGENCY AND INSTITUTION CONTINGENCY PLANS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the April 2003 revenue collections for the state of Idaho have fallen short of projections and could signal the emergence of a possible budget shortfall for fiscal year 2004; and

WHEREAS, this fiscal situation will likely require additional reductions to state expenditure levels; and

WHEREAS, the Legislature of the state of Idaho recognizes that selected state agencies and institutions have already participated in current year budget reductions and will experience budget reductions in the succeeding year through appropriations approved by the Legislature.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that if the Governor determines that revenues for the state of Idaho are not sufficient to support expenditures for fiscal year 2004, then the Board of Examiners is hereby

directed to reduce the fiscal year 2004 General Fund appropriations up to one percent for all agencies and institutions that did not receive a full three and one-half percent reduction as directed in the Governor's modified fiscal year expenditure holdback authorized in Senate Bill No. 1194 of the First Regular Session of the Fifty-seventh Idaho Legislature.

BE IT FURTHER RESOLVED that given the economic uncertainties for fiscal year 2004, all state funded agencies and institutions are hereby put on notice that further spending reductions will likely be necessary, and are hereby directed to prepare contingency plans at the earliest point in the fiscal year as practical, and such contingency plans will clearly outline alternatives, procedures and cost-saving steps that will enable such agencies and institutions to be prepared for further expenditure reductions at any point in the fiscal year.

HCR 33 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

**HOUSE BILL NO. 467
BY APPROPRIATIONS COMMITTEE
AN ACT**

RELATING TO PROVISIONS GOVERNING DISTRIBUTION AND APPROPRIATION FOR THE PUBLIC SCHOOLS DIVISION OF OPERATIONS; AMENDING SECTION 33-1002D, IDAHO CODE, AS AMENDED BY SECTION 10, HOUSE BILL NO. 463, AS ENACTED BY THE FIRST REGULAR SESSION OF THE FIFTY-SEVENTH IDAHO LEGISLATURE, TO CLARIFY THE FORMULA FOR CERTAIN PROPERTY TAX REPLACEMENT DOLLARS; AMENDING SECTION 17, HOUSE BILL NO. 463, AS ENACTED BY THE FIRST REGULAR SESSION OF THE FIFTY-SEVENTH IDAHO LEGISLATURE, TO REVISE THE AMOUNT OF THE TRANSFER FROM THE PUBLIC SCHOOL INCOME FUND TO THE PUBLIC EDUCATION STABILIZATION FUND; AMENDING SECTION 18, HOUSE BILL NO. 463, AS ENACTED BY THE FIRST REGULAR SESSION OF THE FIFTY-SEVENTH IDAHO LEGISLATURE, TO REVISE DATES; AMENDING SECTION 19, HOUSE BILL NO. 463, AS ENACTED BY THE FIRST REGULAR SESSION OF THE FIFTY-SEVENTH IDAHO LEGISLATURE, TO REVISE CERTAIN EFFECTIVE DATES; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

**HOUSE BILL NO. 468
BY APPROPRIATIONS COMMITTEE
AN ACT**

RELATING TO A BALANCED BUDGET; STATING FINDINGS OF THE LEGISLATURE REGARDING THE FINANCIAL SITUATION FOR FISCAL YEAR 2003; TRANSFERRING MONEYS FROM THE CAPITOL ENDOWMENT INCOME FUND TO THE GENERAL FUND; TRANSFERRING MONEYS FROM THE MULTISTATE TAX

COMPACT FUND TO THE GENERAL FUND; AND
DECLARING AN EMERGENCY.

HOUSE BILL NO. 469
BY APPROPRIATIONS COMMITTEE
AN ACT

APPROPRIATING MONEYS FOR THE
AGRICULTURAL RESEARCH AND COOPERATIVE
EXTENSION SERVICE FOR FISCAL YEAR 2004;
REAPPROPRIATING ANY UNEXPENDED AND
UNENCUMBERED BALANCES; SETTING FORTH
CONDITIONS FOR REAPPROPRIATION; DECLARING AN
EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 470
BY APPROPRIATIONS COMMITTEE
AN ACT

APPROPRIATING MONEYS FOR COMMUNITY
COLLEGE SUPPORT FOR FISCAL YEAR 2004;
DECLARING AN EMERGENCY AND PROVIDING AN
EFFECTIVE DATE.

HOUSE BILL NO. 471
BY APPROPRIATIONS COMMITTEE
AN ACT

APPROPRIATING MONEYS FOR GENERAL
EDUCATION PROGRAMS AT BOISE STATE UNIVERSITY,
IDAHO STATE UNIVERSITY, LEWIS-CLARK STATE
COLLEGE, THE UNIVERSITY OF IDAHO AND FOR THE
OFFICE OF THE STATE BOARD OF EDUCATION FOR
FISCAL YEAR 2004; LIMITING THE AMOUNT OF THE
GENERAL FUND APPROPRIATION TO BE USED BY THE
OFFICE OF THE STATE BOARD OF EDUCATION;
ESTABLISHING AN AMOUNT OF THE GENERAL FUND
APPROPRIATION THAT IS TO BE EXPENDED FOR
RESEARCH; ESTABLISHING AN AMOUNT OF THE
GENERAL FUND APPROPRIATION TO BE EXPENDED
FOR COMPETITIVE TECHNOLOGY GRANTS, AND FOR
PARTICIPATION IN THE WESTERN GOVERNORS'
ASSOCIATION'S VIRTUAL UNIVERSITY AND THE IDAHO
ELECTRONIC CAMPUS; ESTABLISHING AN AMOUNT OF
THE GENERAL FUND APPROPRIATION TO BE
EXPENDED FOR TEACHER PREPARATION ACTIVITIES;
ESTABLISHING AN AMOUNT OF THE GENERAL FUND
APPROPRIATION TO BE EXPENDED FOR THE
GOVERNOR'S COLLEGE AND UNIVERSITY
EXCELLENCE INITIATIVE; MAKING CERTAIN IDAHO
CODE PROVISIONS SPECIFICALLY AVAILABLE TO THE
STATE BOARD OF EDUCATION AND THE BOARD OF
REGENTS OF THE UNIVERSITY OF IDAHO; REQUIRING
THE STATE BOARD OF EDUCATION TO TRACK AND
REPORT FACULTY, NONFACULTY EXEMPT AND
CLASSIFIED STAFF TURNOVER; REAPPROPRIATING
ANY UNEXPENDED AND UNENCUMBERED BALANCES;
SETTING FORTH THE CONDITIONS FOR
REAPPROPRIATION; DECLARING AN EMERGENCY AND
PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 472
BY APPROPRIATIONS COMMITTEE
AN ACT

APPROPRIATING MONEYS FOR PROFESSIONAL-
TECHNICAL EDUCATION FOR FISCAL YEAR 2004;
REAPPROPRIATING ANY UNEXPENDED AND
UNENCUMBERED BALANCES; SETTING FORTH THE
CONDITIONS FOR REAPPROPRIATION; EXPRESSING
LEGISLATIVE INTENT REGARDING THE SHARING OF
FISCAL, HUMAN RESOURCES, INFORMATION
TECHNOLOGY AND RECEPTION RESOURCES WITH THE
OFFICE OF THE STATE BOARD OF EDUCATION AND
THE DIVISION OF VOCATIONAL REHABILITATION;
DECLARING AN EMERGENCY AND PROVIDING AN
EFFECTIVE DATE.

H 467, H 468, H 469, H 470, H 471, and H 472 were
introduced, read the first time by title, and referred to the
Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Eleventh
Order of Business.

Third Reading of Bills and Joint Resolutions

Mr. Moyle asked unanimous consent that **H 430, H 431, H 432, H 434, H 438, H 441, H 445, H 446, H 447, H 448, H 449, H 465, H 466, and HCR 32** be returned to the
Appropriations Committee. There being no objection, it was so
ordered.

Mr. Moyle asked unanimous consent that the remaining bills
on the Third Reading Calendar retain their places for one
Legislative Day. There being no objection, it was so ordered.

There being no objection, the House advanced to the
Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 9 a.m.,
Saturday, May 3, 2003. Seconded by Ms. Jaquet. Motion
carried.

Whereupon the Speaker declared the House adjourned at 6:28
p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk